

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: May 4, 2005

Public Notice Number: PN2005-0002

Comment Period: May 4, 2005 - June 3, 2005

Action: Notice of Proposed Assessment of Class II Clean Water Act Sections 309(g) and 311(b) Administrative Penalty and Opportunity to Comment

Under Sections 309(g) and 311(b)(6) of the Clean Water Act, 33 U.S.C. §§1319(g) and 1321(b)(6), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In a Class II proceeding under Sections 309(g)(2)(B) and 311(b)(6)(B)(ii), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$157,500 by EPA. Class II proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," at 40 C.F.R. Part 22 ("Part 22").

The procedures by which the public may submit written comments on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class II penalty order is thirty (30) days after issuance of public notice.

Pursuant to Sections 309(g)(4)(A) and 311(b)(6)(C)(i), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

Name and Mailing Address of Respondent:

MCMAQ, LLC
17 Lincoln Street
Biddeford, Maine 04005

Name and Address of Facility or Site Addressed by Complaint:

Lincoln Mill
17 Lincoln Street
Biddeford, Maine 04005

Description of Business or Activity Conducted by the Respondent:

Real Estate Development

Description of Violations alleged in Amended Complaint:

Failure to respond to an EPA information request issued pursuant to Section 308 of the Clean Water Act, 33 U.S.C. §1318; Operating a facility regulated under the Oil Pollution Prevention Regulations, 40 C.F.R. Part 112, without a Spill Prevention, Control, and Countermeasure (SPCC) Plan or without complying with the facility's SPCC Plan, in violation of Section 311(j)(1) of the Clean Water Act, 33 U.S.C. §1321(j)(1); and Unlawfully discharging oil into or upon the navigable waters of the United States or adjoining shorelines in a quantity that has been determined may be harmful, in violation of Section 311(b)(3) of the Clean Water Act, 33 U.S.C. §1321(b)(3).

Proposed penalty: \$79,021

Name of case: In the Matter of MCMAQ, LLC

Docket number: CWA-01-2005-0001

Date Filed with Regional Hearing Clerk: May 2, 2005

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda Rivera, Regional Hearing Clerk
U.S. EPA, Region I (Mail Code RAA)
One Congress Street, Boston, Massachusetts 02114-2023
Tel. (617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the complaint or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at One Congress Street, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to thirty (30) days after issuance of this notice.